

KCC 4782 (K-C 17,029)
PATENT

REMARKS

Claims 1, 3-6, 9-16, 18-20, and 26-41 are currently pending. In the advisory action dated April 6, 2006, the Office indicated that 1, 3-4, 9-14, and 18-20 are rejected, claims 26-41 are allowed, and claims 5, 6, 15, and 16 are objected to, but would be allowable if rewritten in independent form. Claims 5 and 15 have now been amended to be in independent form, and rejected claims 1, 3-4, 9-14, and 18-20 have been cancelled. In light of these amendments, applicants respectfully submit that the application is in condition for allowance.

In the advisory action, the Office further indicated that the information disclosure statement filed on February 20, 2006 has not been considered because it fails to comply with 37 C.F.R. 1.97(d) because it lacks a statement under 37 C.F.R. 1.97(e) and the fee set forth in 37 C.F.R. 1.17(p). It is applicants' position that the final Office action dated January 31, 2006 was improperly made final, for the reasons set forth in the Response to Office action, dated March 30, 2006. As such, the Information Disclosure statement of February 20, 2006 should be considered under the provisions of 37 C.F.R. 1.97(c), which states:

An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

(1) The statement specified in paragraph (e) of this section; or

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(2) The fee set forth in §1.17(p). (emphasis added).

Since the Information Disclosure Statement contained an authorization to charge any fees connected with the Statement to Deposit Account No. 19-1345, the requirements of 37 C.F.R. 1.97(c) were met. As such, Applicants respectfully request the Office consider the Information Disclosure Statement of February 20, 2006.

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Conclusion

In view of the above, Applicants submit that the application is in condition for allowance. The Commissioner is hereby authorized to charge any fee deficiency in connection with this Amendment E to Deposit Account Number 19-1345 in the name of Senniger Powers.

Respectfully Submitted,



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CMG/LJH/

By Facsimile - Mail Stop Amendment